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TO:	U.S. Patent & Trademark Office Central Facsimile		
FROM:	Edward A. Kmett (Reg. No.: 42,746)		
RE:	U.S. Application No. 09/747,097 Attn: Examiner D. Jung Group Art Unit 2134 Atty. Docket No. 03630.000240.		
FAX NO.:	(571) 273-8300		
DATE:	October 4, 2005	NO. OF PAGES:	3 (including cover page)
TIME:	3:40	SENT BY:	

MESSAGE

Transmitted herewith is a Response To Erroneously Issued Advisory Action, in response to the Advisory Action dated September 26, 2005.

I hereby certify that this correspondence is being facsimile transmitted to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

October 4, 2005
(Date of Transmission)

Edward A. Kmett (Reg. No. 42,746)
(Name of Attorney for Applicant)


Signature

October 4, 2005
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03630.000240.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
: Examiner: D. Jung
CRAIG MAZZAGATTE, et al.)
: Group Art Unit: 2134
Application No.: 09/747,097)
: Filed: December 22, 2000)
: For: OBTAINING TEMPORARY)
EXCLUSIVE CONTROL OF)
A PRINTING DEVICE) October 4, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO ERRONEOUSLY ISSUED ADVISORY ACTION


Sir:

Applicants have received an Advisory Action dated September 26, 2005, which is an apparent response by the Patent Office to Applicants' Amendment dated August 19, 2005. Inasmuch as Applicants' Amendment was in response to a non-final rejection, the Advisory Action is believed to be erroneous and Applicants request that an action on the merits for the foregoing Amendment be issued.

I hereby certify that this correspondence is being facsimile transmitted to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

October 4, 2005
(Date of Transmission)

Edward A. Kmetz (Reg. No. 42,746)
(Name of Attorney for Applicant)


Signature Date of Signature
October 4, 2005

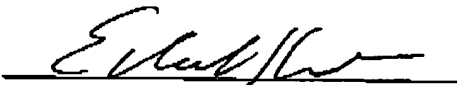
In more detail, a plain reading of the May 23, 2005 Office Action, in response to which Applicants presented the August 19, 2005 Amendment, indicates that the action was non-final. A review of the Patent Office's Image File Wrapper also indicates that the Office Action was non-final. However, for some inexplicable reason, the Patent Office's PAIR system erroneously indicates that the Office Action was "final". Additionally, inexplicably, Applicants' Amendment was entered in the PAIR system and the Image File Wrapper as allegedly being an Amendment After Final Rejection, which it is not since the Office Action was non-final.

Inasmuch as the Office Action was non-final, Applicants request that the Patent Office correct the necessary electronic databases and forward Applicants' August 19, 2005 Amendment to the Examiner for an action on the merits.

In view of the foregoing Patent Office errors, it is believed that no further action is required on the part of Applicants in response to the May 23, 2005 Office Action.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


Attorney for Applicants
Edward A. Kmett
Registration No.: 42,746

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